

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 1, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Wolfsheimer at 2:03 p.m. The meeting was adjourned by Mayor O'Connor at 4:31 p.m. to meet in Closed Session on pending litigation in the 12th floor Conference Room at 9:30 a.m. on Tuesday, July 2, 1991, and to convene the Budget Workshop.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-excused by R-278580
(Out-of-town City business)
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (11)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present

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- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-10: INVOCATION

Invocation was given by Pastor David Clark of the Holy Cross Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Pratt.

FILE LOCATION: MINUTES

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

5/27/91 Adjourned

5/28/91

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A028-040.)

MOTION BY PRATT TO APPROVE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-100: (R-91-2183) ADOPTED AS RESOLUTION R-278206

Awarding a contract to Sapper Construction Co., Inc. for the improvement of Alley Block 24, Morena Amended Map-809. (1911 Improvement Act).

(Bay Park Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: This project consists of grading and paving of a 20-foot alley section. The alley is located between Morena Boulevard and Chicago Street, and Jellett Street and Kane Street. The only bid received was from Sapper Construction Company, Inc., in the amount of \$23,354.60, which is 1.64 percent higher than the Engineer's estimate. It is recommended that the contract be awarded.

FILE LOCATION: STRT D-2277 CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT . Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-101: (R-91-1328) ADOPTED AS RESOLUTION R-278207

Awarding a contract to Whillock Contracting, Inc. for demolition of the structure at 522 Fergus Street, for a total cost of \$59,154, including terms; authorizing the expenditure of an amount not to exceed \$59,154 from Department No. 81160, Organization No. 1300, Object Account No. 4222, and Job Order No. 000036, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-F2177/91)

Aud. Cert. 9100942.

FILE LOCATION: CONT-Purchase-Whillock Contracting, Inc.
CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-102: (R-91-1346) ADOPTED AS RESOLUTION R-278208

Awarding a contract to Camscan USA Inc. for the purchase of one scanning electron microscope system for an estimated cost of \$271,065.66, including tax;

authorizing the expenditure of not to exceed \$271,065.66, from Department 10132, Fund 10132, Object Account 6010, and Job Order 000001 for providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-B2115/91)

Aud. Cert. 9100893.

FILE LOCATION: CONT-Purchase-Camscan USA, Inc. CONT FY 92-1

COUNCIL ACTION: (Tape location: A234-306.)

MOTION BY HENDERSON TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-103: (R-91-1347) ADOPTED AS RESOLUTION R-278209

For the purchase of one fourier transform infrared spectrometer with data system, plotter and microscope for an actual cost of \$68,476.09, including tax; authorizing the expenditure of not to exceed \$68,476.09 from Fund 10132, Department 10132, Object Account 6010, and Job Order 000001, for providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-B2192/91)

Aud. Cert. 9100892.

FILE LOCATION: CONT-Purchase-Nicolet Instrument Corporation
CONT FY 92-1

COUNCIL ACTION: (Tape location: A234-306.)

MOTION BY HENDERSON TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-104: (R-91-1585) ADOPTED AS RESOLUTION R-278210

Inviting bids for the Construction of Sewer Group 61A on Work Order No. 172081; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$1,232,718 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation for Sewer Main Replacements, contingent on approval of the FY 92 budget, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-K2463/91)

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Sewer Main Replacement Group 61A will install approximately 6546 linear feet of new sewer main in Mission Beach between Nantasket Court and Belmont Park. This replacement project is part of the seven-year accelerated concrete sewer main replacement program for the Mission Bay Drainage Basin. The City is under Regional Water Quality Control Board (RWQCB) Cease and Desist Order No. 87-89 to complete construction by January 1, 1993. With the completion of Sewer Main Replacement Group 61A, 93% or 36.6 miles of the 39.6 original miles of concrete mains will be replaced.

Aud. Cert. 9200005.

FILE LOCATION: W.O. 172081 CONT FY 92-1 CONT - MUR-VIC
Construction Company, Inc.

COUNCIL ACTION: (Tape location: A307-383.)

MOTION BY ROBERTS TO ADOPT ITEMS 104, 105 AND 106. STAFF WAS DIRECTED TO PROVIDE SUGGESTIONS ON HOW BEST TO EVALUATE THE FIRMS HIRED FOR CONSTRUCTION IN AN EFFORT TO ENSURE THEY ARE SENSITIVE TO COMMUNITY AND NEIGHBORHOOD NEEDS AND PROVIDE A BETTER WORKING RELATIONSHIP BETWEEN BOTH GROUPS

WHILE CONSTRUCTION IS ON-GOING. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-105: (R-91-1587) ADOPTED AS RESOLUTION R-278211

Inviting bids for the Construction of Sewer Group 97 on
Work Order No. 172011; authorizing the execution of a
contract with the lowest responsible bidder;

authorizing the expenditure of funds not to exceed
\$1,016,375 from Sewer Revenue Fund 41506, CIP-44-001,
Annual Allocation for Sewer Main Replacement, for
providing funds for said project and related costs;
authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K2465/91)

(Pacific Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Sewer and Water Main
Replacement Group 97, part of the continuing seven-year program
to replace and upgrade the existing deteriorated sewage
collection system in the Mission Beach and Pacific areas,
includes the installation of approximately 5,464 feet of sewer
main. The project is included in the Regional Water Quality
Control Board's compliance schedule, which mandates completion of
construction by January 1, 1993. This project is also part of
the Approved Accelerated Replacement Program for the Pacific
Beach-Mission Beach areas. This accelerated program committed
\$92.5 million to capital projects to replace, repair, expand and
improve the sanitary sewer system surrounding Mission Bay. With
the completion of Sewer and Water Main Replacement Group 97, 87
percent of the 39.6 miles of concrete mains will be replaced;
i.e. 34.5 miles will have been installed.

Aud. Cert. 9100969.

WU-P-91-166.

FILE LOCATION: W.O. 172011 CONT - Robert D. Kim, dba Kim
Construction CONT FY 92-1

COUNCIL ACTION: (Tape location: A307-383.)

MOTION BY ROBERTS TO ADOPT ITEMS 104, 105 AND 106. STAFF

WAS DIRECTED TO PROVIDE SUGGESTIONS ON HOW BEST TO EVALUATE THE FIRMS HIRED FOR CONSTRUCTION IN AN EFFORT TO ENSURE THEY ARE SENSITIVE TO COMMUNITY AND NEIGHBORHOOD NEEDS AND PROVIDE A BETTER WORKING RELATIONSHIP BETWEEN BOTH GROUPS WHILE CONSTRUCTION IS ON-GOING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-106: (R-91-1586) ADOPTED AS RESOLUTION R-278212

Inviting bids for the Construction of Sewer Group 98 on Work Order No. 172001; authorizing the execution of a contract with the lowest responsible bidder;

authorizing the expenditure of an amount not to exceed \$781,050 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation for Sewer Main Replacements, for providing funds for said project and related costs;

authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserve, with financing contingent upon approval of the FY-92 budget. (BID-K2464/91)

(Pacific Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Sewer Main Replacement Group 98, part of the continuing seven-year program to replace and upgrade the existing deteriorated sewage collection system in the Mission Beach and Pacific Beach areas, includes the installation of approximately 4,297 feet of sewer main. The project is included in the Regional Water Quality Control Board's compliance schedule, which mandates completion of construction by January 1, 1993. This project is also part of the Approved Accelerated Replacement Program for the Pacific Beach-Mission Beach areas. This accelerated program committed \$92.5 million to capital projects to replace, repair, expand and improve the sanitary sewer system surrounding Mission Bay. With the completion of Sewer Main Replacement Group 98, 90% of the 39.6 miles of concrete mains will be replaced; i.e. 35.4 miles will have been installed.

Aud. Cert. 9200003.

WU-P-91-167.

FILE LOCATION: W.O. 172001 CONT FY 92-1 CONT - Cass

Construction Co., Inc.

COUNCIL ACTION: (Tape location: A307-383.)

MOTION BY ROBERTS TO ADOPT ITEMS 104, 105 AND 106. STAFF WAS DIRECTED TO PROVIDE SUGGESTIONS ON HOW BEST TO EVALUATE THE FIRMS HIRED FOR CONSTRUCTION IN AN EFFORT TO ENSURE THEY ARE SENSITIVE TO COMMUNITY AND NEIGHBORHOOD NEEDS AND PROVIDE A BETTER WORKING RELATIONSHIP BETWEEN BOTH GROUPS WHILE CONSTRUCTION IS ON-GOING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-107: (R-91-1584) ADOPTED AS RESOLUTION R-278213

Inviting bids for the Installation of Audible Pedestrian Signals at Various Locations City-Wide on Work Order No. 119593; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$60,000 from CIP-52-243.0, Annual Allocation - Architectural Barriers Removal - Various Locations, Fund 18525, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to retain excess monies, if any, in CIP-52-243.0.
(BID-K2458/91)

CITY MANAGER SUPPORTING INFORMATION: The Committee for the Removal of Architectural Barriers has identified existing signalized intersections that should receive audible signals to aid the visually impaired to safely negotiate these intersections. The identified locations were evaluated using procedures set forth in Council Policy 200-16, "Audible Pedestrian Traffic Signals for the Blind Intersection Evaluation Procedure".

Aud. Cert. 9100896.

FILE LOCATION: W.O. 119593 CONT - MCR Electrical
Contractors, Inc. CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-108: (R-91-1579) ADOPTED AS RESOLUTION R-278214

Inviting bids for the Rehabilitation of Three Emergency Holding Ponds at Sewer Pump Station No. 77 (Pump Station 77 Headworks Improvements) on Work Order No. 171511;

authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer from CIP-46-153 (40th Street/I-15 Relocation) an amount not to exceed \$755,471 to CIP-46-152 (Sewer Pump Station No. 77 - Emergency Holding Ponds and Headworks I); authorizing the expenditure of \$755,471 from CIP-46-152, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K2427/91)

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Sewer Pump Station No. 77 is located south of Lake Hodges off West Bernardo Drive. The pump station site was originally used as a regional wastewater treatment plant before being converted to a pump station in 1975. Since the conversion, the original oxidation ponds, which are now emergency holding ponds, have been used infrequently and are in a state of disrepair. The ponds are currently flat and hold standing water creating odors and breeding mosquitos. There are frequent complaints from the overlooking residential community. This project will alleviate these problems and provide more effective emergency storage well beyond the foreseeable future. Rehabilitation of the emergency holding ponds includes site clean up, a new access road around ponds, new drainage system, water distribution system for pond clean up, and a new lining for ponds.

Aud. Cert. 9100837.

WU-P-91-143.

FILE LOCATION: W.O. 171511 CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-109: (R-91-1588) ADOPTED AS RESOLUTION R-278215

Inviting bids for the Construction of Mid-City Commercial Revitalization Phase 6B (Partial), Park Boulevard and Monroe on Work Order No. 119685; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$100,000 from the General Fund Street Division, Dept. 534, Job Order 003104, to the Allocated Reserve for the purpose of supplementing CIP-39-083.0, Mid-City Commercial Revitalization Project - Public Improvements; authorizing the increase of CIP-39-083.0, Mid-City Commercial Revitalization Project; authorizing the transfer of \$25,000 from CIP-17-003.0, Fund 30300, Prop. A, Annual Allocation, Minor Drain Requirements, for the purpose of supplementing CIP-39-083.0, Mid-City Commercial Revitalization Project - Public Improvements; and \$100,000 from CDBG Fund 18525 to CIP-39-083.0, Mid-City Commercial Revitalization Project - Public Improvements; authorizing the expenditure of \$125,000 from CIP-39-083.0, \$2,500 from CIP-58-007.0 and \$100,000 from CDBG Fund 18525 totaling \$227,500, for the purpose of executing this contract and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K2478/91)

(University Heights Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This project will construct a portion of Phase 6B of the Mid-City Commercial Revitalization Program. Scheduled public improvements will be on Park Boulevard at the intersection of Monroe Street and the adjacent block between Madison Street and Adams Avenue. The project will replace substandard street underdrains, sidewalks, curbs/gutters and install street lighting, trees, irrigation system, benches and trash receptacles. Funding for the project has been made available from funds allocated to storm drain projects, engineering projects and CDBG. This coordinated effort will eliminate severe intersection drainage problems and provide needed curb and sidewalk replacement.

Aud. Cert. 9100966.

FILE LOCATION: W.O. 119685 P & P Enterprises, Inc. CONT FY
92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-110: (R-91-2245) ADOPTED AS RESOLUTION R-278216

Approving the City Manager's Second Quarter Equal
Opportunity Report for Fiscal Year 1991 on the status
of the City's Equal Opportunity Program.

(See City Manager Report CMR-91-266.)

COMMITTEE ACTION: Reviewed by RULES on 6/5/91. Recommendation
to accept the report. Districts 4, 7 and Mayor voted yea.
Districts 1 and 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT . Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-111: (R-91-2246) ADOPTED AS RESOLUTION R-278217

Approving the City Manager's First Quarter Equal
Opportunity Report for Fiscal Year 1991 on the status
of the City's Equal Opportunity Program.

(See City Manager Report CMR-91-265.)

COMMITTEE ACTION: Reviewed by RULES on 6/5/91.

Recommendation to accept the Report. Districts 4, 7 and the
Mayor voted yea. Districts 1 and 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-112: (R-91-2180) ADOPTED AS RESOLUTION R-278218

Excusing Councilmember Bob Filner from attending the
Transportation and Land Use Committee meeting of June
10, 1991, due to his attendance to other official
business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-113: (R-91-2184) ADOPTED AS RESOLUTION R-278219

A Resolution approved by the City Council in Closed
Session on Tuesday, June 4, 1991 by the following vote:

Wolfsheimer-yea; Roberts-not present; Hartley-not
present; Pratt-not present; Behr-yea; Henderson-yea;
McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of
\$80,000 to all plaintiffs and cases in the settlement
of each and every claim against the City, its agents
and employees, resulting from damages due to flooding
in and around Mission Office Park, San Diego, (Superior
Court Case Nos. 464215, 464204, 464205, 464208, 464209,
464210, 464211, 464212, 464213, 464214, 464216, 464217,
464218, 464219, 464220, 464221, and 464222; Ektelon, et
al. v. City of San Diego, et al., Anthony Pools v. City
of San Diego, et al., San Diego Design v. City of San
Diego, et al., Wood Menagerie v. City of San Diego, et
al., Pool Care Limited v. City of San Diego, et al.,
Curtis Rand Industries v. City of San Diego, et al.,
Blue Haven Pools-South, Inc. v. City of San Diego et
al., Soltek of San Diego v. City of San Diego, et al.,
Bicycle Parts Pacific v. City of San Diego, et al.,

Elford B. Breitbard, dba Teleque v. City of San Diego, et al., Playmor Products v. City of San Diego, et al., Valley Door and Window Company, Inc., v. City of San Diego, et al., Jack Weston Plumbing and Service v. City of San Diego, et al., Creative Claythings v. City of San Diego, et al., Lattman and Pflaum Plumbing and Heating v. City of San Diego, et al., Hafer Steel Company v. City of San Diego, et al., Anthony F. Leoni, dba Palomino Cocktail Lounge v. City of San Diego, et al., respectively); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$80,000 made payable to the law firm of Jennings, Engstrand and Henrikson, in full settlement of the lawsuits and of all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of all claims as a result of property damage incurred by Ektelon et al. on February 20, 1980.

Aud. Cert. 9100980.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT . Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-114: (R-91-2233) ADOPTED AS RESOLUTION R-278220

Approving the submission of the Application for Rental Rehabilitation funds and designating the San Diego Housing Commission as the Agency responsible for implementation of the program, in accordance with the Federal regulations and guidelines governing the program; authorizing the Executive Director of the San Diego Housing Commission to execute the Application, Grant Agreement and any other documents necessary for funding approval by the U.S. Department of Housing and Urban Development (HUD).

(See Housing Commission Report HCR-91-008CC.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-115: (R-91-2135) ADOPTED AS RESOLUTION R-278221

Authorizing the execution of an amendment to the agreement of February 5, 1990 with Burkett & Wong, for professional services in connection with structural improvements to the Botanical Building, as well as any amendments or modifications which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$17,500 from CIP-21-834.0, Balboa Park/Mission Bay Requirements (Capital Outlay Fund/Other, No. 302453), to provide funds for the project; authorizing the City Manager to finance or refinance this project from the proceeds of tax exempt securities, if issued and when feasible.

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On September 28, 1988 the City Council approved a change in the Transient Occupancy Tax rate and allocated General Funds in amounts equivalent to the revenue from 1 percent of the T.O.T. to improvements within Balboa Park. The adopted Balboa Park Master Plan identifies the Botanical Building as one of the buildings in need of improvements. The Botanical Building is an open-framed steel structure with wooden lattice work attached to the frames. The structural steel frame shows evidence of extensive corrosion due to exposure to the weather and the moist plant environment resulting from irrigation. The original agreement provided for a complete structural investigation of the structure's elements and detailed recommendations for corrective measures. This first amendment to agreement will provide for the preparation of construction documents and services during construction for the implementation of the structural improvement of the Botanical Building.

Aud. Cert. 9100953.

FILE LOCATION: MEET CCONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT . Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-116: (R-91-2187) ADOPTED AS RESOLUTION R-278222

Authorizing the execution of an amendment to the
boating safety and enforcement grant agreement with the
California Department of Boating and Waterways, to
extend the term of the grant to December 10, 1991.

(Mission Bay Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: In July 1990, the City was
awarded a Boating Enforcement grant from the California
Department of Boating and Waterways to be used towards purchase
of a Harbor Patrol boat and attendant equipment. The grant is
for up to 75 percent of the purchase price, not to exceed
\$32,000. A grant agreement was executed between the City and the
State agency with the condition that the boat be purchased by
June 10, 1991. The project is now in the bidding stage; however,
due to the time required to complete the technical specifications
for the vessel and to satisfy the many State mandated
requirements on structuring of the bid package, a time extension
for the grant agreement is needed and has been verbally agreed on
by the State. This Resolution will authorize executing a
contract amendment to extend the term to December 10, 1991. The
grant funds will be used to replace an existing Harbor Patrol
Boat which is beyond economical repair. The estimated purchase
price of the replacement boat and attendant equipment is \$46,000.
Funds required over the grant amount are available in the
Lifeguard Services Division budget.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT . Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-117: (R-91-2164) ADOPTED AS RESOLUTION R-278223

Authorizing the execution of five agreements with Kinder-Care Learning Centers, Inc., Children's World Learning Centers, Lad 'N Lassie Learning Centers, La Petite Academy, and Auntie Lynn's Day Care Centers, Inc. for child care services for City employees; expressing appreciation of the discount being offered, and commending Kinder-Care, Children's World, La Petite Academy, Lad 'n Lassie, and Auntie Lynn's for their generosity.

CITY MANAGER SUPPORTING INFORMATION: We currently have an agreement with Children's World, Kinder-Care and La Petite Academy, representing 30 local child care centers, for a 10 percent discount on child care tuition. This item continues those agreements and adds two new providers, Lad 'n Lassie and Auntie Lynn's, representing seven additional child care centers. We have 80 City employees who have participated in the discount program, which amounts to a \$32,000 annual subsidy for employees at no cost to the City.

FILE LOCATION: MEET CONT FY 92-5

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT . Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-118: (R-91-2194) CONTINUED TO JULY 8, 1991

Rescinding Resolution R-275418, adopted April 2, 1990, authorizing an agreement with Episcopal Community Services, Inc., for the operation of the Neil Good Day Center;

authorizing the execution of an agreement with Alpha Project for the Homeless to operate the Neil Good Day Center for a one year period; authorizing the City Auditor and Comptroller to accept a contribution from the County of San Diego in the amount of \$19,250 to be deposited in Fund 19620 for the purpose of supplementing the funding required to operate the Neil Good Day Center; authorizing the City Auditor and Comptroller to expend an additional amount not to exceed \$30,645 beyond the \$125,000 expenditure

previously authorized by Resolution R-275416, adopted on April 2, 1990, from Fund 19620 for the operation of the Neil Good Day Center.

(District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Regional Task Force on the Homeless in their publication "Directions" recommended that a day center be opened in the downtown San Diego Area that would afford homeless individuals a chance to shower, wash clothes, pick up mail etc., as well as offer a place where they could get off the streets during the day time hours. To that end the City, County, CCDC, Port District and the private sector raised funds to construct the Neil Good Day Center. The Center will be ready for occupancy by mid July of this year and it is anticipated that it will serve 200 individuals per day. In the latter part of 1989, an RFP was issued soliciting an operator for the Center.

A selection committee was formed and recommended Episcopal Community Services (ECS) be awarded the contract for the Day Center's operation; however, the committee also recommended that if for some reason ECS chose not to operate the Center that Alpha Project for the Homeless be considered for the Center's management. On April 2, 1990 the City entered into an Agreement with ECS to operate the center. ECS, in a letter dated May 14, 1991, informed the City that for financial reasons they would not be able to manage the Day Center. Staff contacted Alpha Project to determine if they were still interested in operating the Center. They indicated they were willing to manage the facility for \$125,000, the amount specified in the RFP. It is recommended that Council direct staff to negotiate and enter into an agreement with Alpha Project for the Center's operation.

Aud. Cert. 9100947.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A180-185.)

MOTION BY MAYOR O'CONNOR TO CONTINUE TO JULY 8, 1991 IN ORDER TO VERIFY INFORMATION THAT IS AVAILABLE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-119: (R-91-2186) ADOPTED AS RESOLUTION R-278224

Authorizing the execution of a Joint Use Agreement with the City of Escondido for the construction of a sewer and water line in the City right-of-way. (San Pasqual Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Eagle Crest Subdivision is a subdivision in the City of Escondido. In order to provide sewer and water services to this subdivision, it is necessary to install the sewer and water lines in City of San Diego right-of-way, along Rockwood Road and Via Rancho Parkway. This agreement grants to the City of Escondido in perpetuity, the right to use the City of San Diego right-of-way on Rockwood Road, for the installation and maintenance of a 14-inch water line, as shown on City of San Diego Engineering Drawing No. 25991-D, and the right to use, in perpetuity, the City of San Diego right-of-way, on Via Rancho Parkway, and on Rockwood Road, for the installation and maintenance of an 8-inch sewer line as shown on City of San Diego Engineering Drawing No. 25644-D. In addition, this agreement grants the joint use in perpetuity, of a utility easement shown on City of San Diego Engineering Drawing No. 25644-D. Neither the sewer or water lines will connect with City of San Diego utility lines. This agreement is for the joint use of the right-of-way described above.

FILE LOCATION: WATER-City of Escondido CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-120: (R-91-2075) ADOPTED AS RESOLUTION R-278225

Authorizing the execution of a three-year operating agreement with Parking Company of America - San Diego, Inc., for the operation of the parking lot in south Balboa Park adjacent to Navy Hospital.

(See City Manager Report CMR-91-268. Balboa Park Community Area. District-3.)

FILE LOCATION: LEAS-Parking Company of America - San Diego, Inc. LEAS FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-121: (R-91-2190) ADOPTED AS RESOLUTION R-278226

Authorizing the execution of an agreement with Wallace, Roberts and Todd for professional services in connection with the Mission Bay Master Plan Update; authorizing the expenditure of an amount not to exceed \$438,600 from CIP-22-085.0, Mission Bay Master Plan Update, Sludge Mitigation Fund No. 10507, for the purpose of providing funds for the above project.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed agreement with Wallace, Roberts and Todd will provide the professional services required for the Master Plan Update for Mission Bay Park. The Master Plan Update will address the issues outlined in the approved Update Work Program prepared by an interdepartmental project team, and the Mission Bay Park Committee. An Environmental Impact Report will also be prepared as a part of this contract, as well as a Local Coastal Program Land Use Plan suitable for certification by the Coastal Commission. The proposed consultant was selected after a Request for Qualifications was advertised in the San Diego Daily Transcript February 9, 1990, and fourteen responses were received. A Selection Committee comprised of the Chairman of the Mission Bay Park Committee, the City Architect, the Park and Recreation Department Director, the Property Department Director and the City Manager's assistant on Mission Bay Park reviewed the responses and selected four firms/teams to be interviewed. Interviews were conducted on February 15, 1991, by the Selection Committee along with the Chairperson of Century 3's (C-3) Mission Bay Committee. The final selection was Wallace, Roberts and Todd. The City Manager received and approved the recommendation from the Park and Recreation Department.

Aud. Cert. 9100931.

FILE LOCATION: MEET CCONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-122: (R-91-2191) ADOPTED AS RESOLUTION R-278227

Authorizing the execution of an agreement with UCSD Medical Center, for medical advisory services in connection with a pilot paramedic first responder program; authorizing the expenditure of an amount not to exceed \$30,000 from the Fire Department FY 1992 budget, Fund 100, for the purpose of providing funds for this project.

CITY MANAGER SUPPORTING INFORMATION: The agreement details the roles and responsibilities of UCSD Physician/Medical Advisor and the Fire Department in regard to medical control and quality assurance for the pilot paramedic first responder program approved by the Council in December 1990, and scheduled for implementation in October 1991. The Fire Department solicited letters of intent from the seven base hospitals in the City. Two hospitals responded to the fixed-fee solicitation. A panel consisting of Fire Department staff, the nurse/paramedic coordinator for the City of Anaheim, and the paramedic chief of the Orange County Fire Department evaluated the proposals based on the physician's qualifications, experience, understanding, and compatibility with the program. UCSD Medical Center and its physician, James Dunford M.D., were judged superior in all categories.

Aud. Cert. 9200013.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-123: (R-91-2077) ADOPTED AS RESOLUTION R-278228

A Resolution approved by the City Council in Closed Session on Tuesday, April 30, 1991 by the following vote: Wolfsheimer-yea; Roberts-not present; Hartley-yea; Pratt-not present; Behr-yea;

Henderson-yea; McCarty-yea; Filner-not present;
Mayor-yea.

Approving Change Order No. 4, issued in connection with the construction of Via de la Valle Sewer System in the San Dieguito River Basin Community Area; authorizing the City Manager to pay the total sum of \$100,000, in consideration of Change Order No. 4 and in settlement of the case, Macco Constructors, Inc. v. City of San Diego, et al., San Diego Superior Court Case No. 627981; authorizing the City Auditor and Comptroller to expend \$100,000 from Fund 79350, CIP-46-125.0, payable to Macco Constructors, Inc., as the final payment towards full settlement of any and all claims.

(San Dieguito River Basin Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On September 9, 1986, the City of San Diego awarded a contract to Macco Constructors, Inc. to construct a sewer collector system along Via de la Valle in the San Dieguito River Valley. The work included a sewage pump station and its discharge main and certain alterations to the existing sewer collection system. The project was done through the proceedings of the Municipal Improvement Act of 1913. The construction plans called for excavating the sewer construction trench to a width of one foot beyond the width of the pipe up to a maximum width of five feet. Due to soil conditions, this requirement could not be met by the contractor. Consequently, a considerable portion of the Via de la Valle road surface adjacent to the trench was lost and, during trench backfill and street repaving, additional unforeseen expenses were paid by the contractor for increased pavement quantities for which the contractor was not compensated. The \$100,000 payment represents a negotiated settlement of disputes arising out of this project.

Aud. Cert. 9100954.

FILE LOCATION: STRT D-2251

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-200: (R-91-2238) ADOPTED AS RESOLUTION R-278229

Council confirmation of the appointment by the Mayor of Richard Griswold del Castillo, to serve as a member of the Historical Site Board, for a term ending March 1, 1993, to replace Philip Gay, who has resigned.

(See memorandum from Mayor O'Connor dated 6/19/91 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-201: (R-91-2237) ADOPTED AS RESOLUTION R-278230

Council confirmation of the appointment by the Mayor of Frederick W. Weck, to serve as a member of the International Affairs Board, for a term ending March 1, 1992, to replace John B. McNeece, who has resigned.

(See memorandum from Mayor O'Connor dated 6/19/91 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-202: (R-91-2236) ADOPTED AS RESOLUTION R-278231

Council confirmation of the appointment by the Mayor of Reginald W. Sibley, Sr. to serve as a member-at-large on the Small Business Advisory Board for a term ending July 1, 1992, to replace Brian Pollard, who has resigned.

(See memorandum from Mayor O'Connor dated 6/18/91 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S400: PRESENTATION MADE

Presentation to Councilmember Wes Pratt from Mr. Mike McCraw representing the Boy Scouts of America.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A189-219.)

BY COMMON CONSENT PRESENTATION WAS MADE.

ITEM-S401: (R-91-2193) ADOPTED AS RESOLUTION R-278232

(Continued from the meeting of June 24, 1991, Item S400, at Councilmember Filner's request, to allow Councilmember Roberts to be present.)

Supporting the efforts of "Fill the Murph" and commending the organizers of "Fill the Murph" for their hard work on behalf of San Diego State University football and the disadvantaged youth in San Diego county.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-170.)

MOTION BY ROBERTS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S402: (R-91-2256) CONTINUED TO JULY 8, 1991

Authorizing the execution of a Purchase and Sale
Agreement with VillaView Community Hospital.

(See City Manager Report CMR-91-309. District-7.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A385-407.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JULY 8, 1991 TO OBTAIN
ADDITIONAL INFORMATION. Second by McCarty. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not
present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea,
Filner-not present, Mayor O'Connor-yea.

ITEM-S403: (R-91-2182) ADOPTED AS RESOLUTION R-278233

(Continued from the meeting of June 24, 1991, Item 161,
at Mayor O'Connor's request, to allow Councilmember
Roberts to be present.)

Declaring the City Council's intention to place the
issue of the scope of an alcohol ban in certain City
parks and beaches on the June 2, 1992 ballot, pursuant
to the recommendation of the Public Facilities and
Recreation Committee; directing the City Attorney to
prepare an Ordinance similar to Ordinance O-17609,
whose terms will be subject to further direction of the
Council, for placement on the June 2, 1992 ballot.

(See City Attorney Report dated 5/21/91 and memorandum
from Councilmember Henderson dated 5/22/91.)

COMMITTEE ACTION: Initiated by PFR on 5/22/91 and 6/12/91.

Recommendation to have Council place an ordinance similar to
referended Ordinance O-17609 on the 6/2/91 ballot.

5/22/91 vote: Districts 1, 3, 6, 7 and 8 voted yea.

6/12/91 vote: Districts 1, 3 and 7 voted yea. Districts 6 and 8
not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A410-B154.)

MOTION BY HENDERSON TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (O-91-183 Rev.1) INTRODUCED, TO BE ADOPTED JULY
15, 1991

Introduction of an Ordinance amending Chapter V, Article 6, of the San Diego Municipal Code by repealing Sections 56.29 and 56.29.1 and amending Section 56.54, banning or restricting alcohol consumption or possession of open containers in certain areas of the City.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B156-163.)

MOTION BY WOLFSHEIMER TO INTRODUCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-S405: (O-91-170) NOTED AND FILED

(Continued from the meetings of May 20, 1991, Item 200, June 3, 1991, Item 201 and June 24, 1991, Item 200; last continued at the City Manager's request, to take action after the budget.)

Introduction of an Ordinance amending the San Diego Municipal Code by adding Section 38.0150 et seq. to create a Transient Transportation Tax.

(See City Manager Report CMR-91-237.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A033-039.)

MOTION BY HENDERSON TO NOTE AND FILE AT THE REQUEST OF THE CITY MANAGER WHO ADVISED THAT THE DECISION HAD BEEN MADE NOT TO CREATE THIS TAX. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S406: (R-91-2197) ADOPTED AS RESOLUTION R-278234

(Continued from the meeting of June 24, 1991, Item S404, at the City Manager's request, to take action in FY92.)

A Resolution approved by the City Council in Closed Session on Tuesday, May 21, 1991 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-not present; Pratt-not present; Behr-yea; Henderson-yea; McCarty-yea; Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$450,000 in the settlement of each and every claim against the City, its agents and employees, resulting from extra contract work claims by the plaintiffs for the project known as Mission Bay South Shores Phase III Development

(Superior Court Case No. 624061, T.B. Penick & Sons, Inc., et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue two checks: 1) to T.B. Penick & Sons, Inc. and its attorney of record, Craig A. Ramseyer, for \$125,000; and (2) to William Kirchnavy Construction, Inc. and its attorney of record, Stephen E. Wittman, for \$325,000, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes full and final settlement of all damages claimed by T.B. Penick & Sons, Inc. and William Kirchnavy Construction, Inc.

Aud. Cert. 9200011.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-059.)

MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S407: CONTINUED TO JULY 2, 1991

(Continued from the meeting of June 24, 1991, Item 139, at John Stump's request, to resolve concerns.)

Two actions relative to acquisition of property rights of Phase I of CIP-52-182.0, Fairmount Avenue - Federal Boulevard to Home Avenue:

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-91-2171)

Authorizing the expenditure of an amount not to exceed \$560,000 from Transnet Fund 30300, CIP-52-182.0 (Fairmount Avenue - Federal Boulevard to Home Avenue) for the acquisition of property rights and related costs in connection with the construction of Phase I of CIP-52-182.0, Fairmount Avenue - Federal Boulevard to Home Avenue.

Subitem-B: (R-91-2172)

Certifying that Environmental Impact Report/Environmental Assessment EIR-85-0809, in connection with the Fairmount Avenue - Federal Boulevard to Home Avenue, CIP-52-182.0 - Phase I, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and State guidelines, and that said Report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This request authorizes the expenditure of \$560,000 to acquire property rights necessary for the construction of Phase I of CIP-52-182.0, Fairmount Avenue - Federal Boulevard to Home Avenue. It also provides funds for the "opportunity acquisition" of one parcel required for Phase II of the project. Phase I will realign and widen Fairmount Avenue between Federal Boulevard and Ridge View Drive, including construction of a new bridge over Chollas Creek. The existing street alignment contains steep grades and a switch back alignment which do not meet established criteria for collector street geometrics.

Approximately \$4,350,000 of the construction funds for the project will be provided by a Federal Grant.

Aud. Cert. 9100935.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A070-072.)

MOTION BY PRATT TO CONTINUE TO JULY 2, 1991. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S408: (R-91-2142) ADOPTED AS RESOLUTION R-278235

(Continued from the meeting of June 24, 1991, Item 148, at Councilmember Henderson's request, due to concerns regarding cost effectiveness.)

Authorizing the execution of an agreement with Metro Traffic Control, to broadcast ridesharing messages live in conjunction with air traffic reports for the period of June 10, 1991 throughout September 27, 1991 at an estimated cost of \$50,000.

CITY MANAGER SUPPORTING INFORMATION: On September 26, 1989, the City Council adopted the "Transportation Demand Management" (TDM) Ordinance. The Ordinance includes a public information and education program. The Program is designed to include the broadcast of ridesharing messages in conjunction with live air traffic reports. In March of 1991, a request for these services was competitively bid. However, only Metro Traffic, one of two firms that broadcast traffic reports for radio stations, provided a bid. The Metro Traffic network offers a broad mixture of stations including minority population audiences. It is recommended that the City Manager enter into an agreement with Metro Traffic for these services. Funds for these services are available within the Engineering and Development Department's Transportation Demand Management Division Budget.

Aud. Cert. 9100917.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: B165-504.)

Motion by Henderson to come up with a program that provides some method of measuring calls received and, in lieu of broadcasting to come up with a overall educational advertising package with a way to measure the effectiveness of this program. No second.

MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-not present, Pratt-yea, Behr-yea, Henderson-nay,
McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S409: (R-91-) TRAILED TO JULY 2, 1991 AS
UNFINISHED BUSINESS

(Continued from the meeting of June 24, 1991, Item 208,
at Councilmember Pratt's request, to direct the City
Attorney to bring forward a resolution of intention to
disestablish the district, and direct staff to verify
signatures of petition in opposition to the La Jolla
BID.) Levying an annual assessment within the La Jolla
Business Improvement District for July 1, 1991 through
June 30, 1992.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Business Improvement
Districts (BIDs) are authorized by State law to assess benefitted
businesses for the cost of certain improvement activities. These
activities are generally promotional in nature. Once a BID is
established, the City collects the assessments and disburses them
to an appropriate entity representing the district pursuant to an
annual operating agreement. There are currently 11 active
districts in the City of San Diego: Adams Avenue, City Heights,
Downtown, El Cajon Blvd.-Gateway, El Cajon Blvd. Central,
Gaslamp, Hillcrest, La Jolla, Mission Hills, North Park and Ocean
Beach. State law requires that the City Council annually adopt a
budget for each BID and hold a public hearing to levy appropriate
assessments. Today's action is the public hearing to levy the
proposed assessment for each BID for FY 1992. Pursuant to
Section 36530 of the State law regulating Business Improvement
Districts (BID's), the Gaslamp Quarter Merchants Association
recommends that the assessments in the Gaslamp District for the
next fiscal year be increased by 100%. These funds will be used
to seed a security/goodwill ambassador program. A separate
Council action is being prepared to be noticed to all Gaslamp
merchants to amend the Gaslamp District Ordinance to reflect the
proposed change.

FILE LOCATION: STRT L-2

COUNCIL ACTION: (Tape location: B507-D157.)

Hearing began 3:38 p.m. and halted 4:30 p.m.

Testimony in favor by Ron Zappardino, Rhana Klitgaard, Mark
Steele.

Testimony in opposition by Jim Smith, Philip Ryan, Joe Graham, Bob Ottilie.

Motion by Wolfsheimer to move that the Council request the City Manager to set up a policy for disestablishment and bring it back in 120 days. At that point if 20% of the people are interested in a disestablishment system it would then be available. Confirm the budget as recommended, and levy the assessment. Second by McCarty withdrawn. Second by Pratt.

Failed by the following vote: Yea: 1,2,4,7; Nay: 5,6,M; Not Present: 3,8.

Motion by Henderson to adopt the resolution of intention to have a public hearing. Second by Mayor O'Connor. Failed by the following vote: Yea: 5,6,7,M; Nay: 1,2,4; Not Present: 3,8.

ITEM-S410: (O-91-195) FIRST HEARING HELD - TO BE ADOPTED
JULY 2, 1991

First public hearing in the matter of:

Amending Ordinance O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17504-1, as amended and adopted therein, by amending the personnel authorization of Council District 2 (022) by exempting one (1.00) Council Representative I position from the Classified Service; and establishing a salary rate.

NOTE: Today's actions is the first public hearing. See Item S502 on the supplemental docket of Tuesday, July 9, 1991 for the introduction and adoption of the ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A040-059.)

MOTION BY McCARTY TO APPROVE THE FIRST HEARING, AND TO INTRODUCE AND ADOPT THE ORDINANCE ON JULY 2, 1991. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S411: (O-91-196) FIRST HEARING HELD - TO BE ADOPTED
JULY 2, 1991

First public hearing in the matter of:

Amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted therein, by amending the personnel authorization of Council District 3 (023) by exempting one Council Representative I position from the Classified Service; and establishing a salary rate.

(See memorandum from Councilmember Hartley dated 6/11/91.)

NOTE: Today's actions is the first public hearing. See Item S503 on the supplemental docket of Tuesday, July 2, 1991 for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A040-059.)

MOTION BY McCARTY TO APPROVE THE FIRST HEARING. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-S412: (R-91-2283) ADOPTED AS RESOLUTION R-278238

A Resolution approved by the City Council in Closed Session on Tuesday, June 25, 1991 by the following vote: Wolfsheimer-not present; Roberts-not present; Hartley-yea; Pratt-not present; Behr-yea; Henderson-yea; McCarty-yea; Filner-not present; Mayor-yea. Authorizing the City Auditor to establish an Interest Bearing Trust Fund for Villa Trinidad Unit No. 5 Subdivision; authorizing the City Auditor and City Treasurer to accept the sum of \$50,000 from Christiana Community Builders; and place said sum into the Interest Bearing Trust Fund for Villa Trinidad Unit No. 5 Subdivision as a full and final settlement of all

City related pending and potential litigation in Harvey, et al. v. Christiana Companies, et al.; authorizing the City Auditor to maintain the Interest Bearing Trust Fund for Villa Trinidad Unit No. 5 Subdivision for a period of 3 years commencing from January 1, 1991.

FILE LOCATION: SUBD-Villa Trinidad Unit No. 5

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-ineligible, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-S413: (R-91-2290) ADOPTED AS RESOLUTION R-278239

Authorizing additional services with Deloitte and Touche under the existing audit contract for Management Review of the Planning Department; authorizing the expenditure of funds not to exceed \$82,000 for services relating to the Management Review from the FY 1991 Planning Department budget.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: A040-059.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S414:

Two actions relative to Scripps Miramar Ranch Public Facilities Financing Plan:

(See Committee Consultant Analysis TLU-90-25 and City Manager Report CMR-91-229. Located east of I-15 mostly north of Pomerado Road. District-6.)

Subitem-A: (R-91-1973) ADOPTED AS RESOLUTION R-278240

Approving the document entitled, "Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 1992, May 1991."

Subitem-B: (R-91-1974) ADOPTED AS RESOLUTION R-278241

Resolution of Intention to designate an area of benefit in Scripps Miramar Ranch and setting the time and place for holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 6/24/91.

Recommendation to approve the City Manager's recommendation. Districts 1, 4 and 5 voted yea. Districts 2 and 8 not present.

FILE LOCATION: STRT FB-11

COUNCIL ACTION: (Tape location: D160-176.)

MOTION BY BEHR TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-not presents, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-nay.

ITEM-S415:

Two actions relative to the Mira Mesa Facilities Benefit Assessment:

(See City Manager Report CMR-91-273 and Committee Consultant Analysis TLU-90-25. Located east of I-805 in north central San Diego. District-6.)

Subitem-A: (R-91-1977) ADOPTED AS RESOLUTION R-278242

Approving the document entitled, "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, April, 1991."

Subitem-B: (R-91-1978) ADOPTED AS RESOLUTION R-278243

Resolution of Intention to designate an area of benefit in Mira Mesa and setting the time and place for holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 6/24/91. Recommendation to

approve the City Manager's recommendation subject to changing the pedestrian overpass to a Galvin or Capricorn location.

Districts 1, 4 and 5 voted yea. Districts 2 and 8 not present.

FILE LOCATION: STRT FB-12

COUNCIL ACTION: (Tape location: D160-176.)

MOTION BY BEHR TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S416: TRAILED AS UNFINISHED BUSINESS TO JULY 2, 1991

Two actions relative to the disestablishment of the La Jolla Business Improvement District (BID):

(District-1.)

Subitem-A: (R-91-2284)

Adopting the procedure which shall be used to consider the matter of disestablishment of the La Jolla BID.

Subitem-B: (R-91-2293)

Resolution of Intention to disestablish the La Jolla BID and directing the City Clerk to set the matter for a public hearing on July 30, 1991 at 2:00 p.m.; accepting the proposal to dispose of any remaining assets of the La Jolla BID should the Council vote to disestablish the BID on July 30, 1991.

NOTE: See Item S409 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B507-D157.)

Motion by Wolfsheimer to move that the Council request the City Manager to set up a policy for disestablishment and bring it back in 120 days. At that point if 20% of the people are interested in a disestablishment system it would then be available. Confirm the budget as recommended, and levy the assessment. Second by McCarty withdrawn. Second by Pratt.

Failed by the following vote: Yea: 1,2,4,7; Nay: 5,6,M; Not Present: 3,8.

Motion by Henderson to adopt the resolution of intention to have a public hearing. Second by Mayor O'Connor. Failed by the following vote: Yea: 5,6,7,M; Nay: 1,2,4; Not Present: 3,8.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:31 p.m. in honor of the memory of David Gregory.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D204).